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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, ROME DIVISION**

IN RE:

TRI-STATE CREMATORY
LITIGATION.

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)
)

MDL Docket No. 1467

**PLAINTIFFS' MOTION TO ADD FRANCES A. WINGFIELD
D/B/A WINGFIELD FUNERAL HOME AS A DEFENDANT**

The Plaintiffs request and move this Honorable Court to add Frances A. Wingfield d/b/a Wingfield Funeral Home as a Defendant in this class action. Frances A. Wingfield d/b/a Wingfield Funeral Home was a defendant in the related litigation pending in the Superior Court of Whitfield County, specifically *Partin, et al. v. Tri-State Crematory, et al.*, Civil Action File No. 85,287-M ("*Partin*"). The Plaintiffs in that action, as well as Frances A. Wingfield d/b/a Wingfield Funeral Home, filed a joint motion seeking transfer of Defendant Frances A. Wingfield d/b/a Wingfield Funeral Home to this litigation. Frances A. Wingfield d/b/a Wingfield Funeral Home consents to joining this case as an individually named funeral home in this certified Plaintiffs' class action as defined by this Court. The *Partin* Superior Court Order granting the joint motion to transfer is attached as Exhibit A to this motion.

The addition of Defendant Frances A. Wingfield d/b/a Wingfield Funeral Home as a Defendant to this action will aid in the settlement of Plaintiffs' claims asserted against this Defendant. Frances A. Wingfield d/b/a Wingfield Funeral

Home acquiesces in this motion. To assist the Court, draft Order is attached as Exhibit B to this motion.

Accordingly, the Plaintiffs respectfully request and move that the Court add Frances A. Wingfield d/b/a Wingfield Funeral Home as a Defendant to this class action.

Respectfully submitted this 15th day of April, 2004.

McCAMY, PHILLIPS, TUGGLE
& FORDHAM, LLP

P.O. Box 1105

Dalton, GA 30720-1105

By: [Signature]

Robert H. Smalley, III

Georgia Bar No. 653405

Attorneys for Plaintiffs

CONSENTED TO BY:

BAKER, KINSMAN, HOLLIS, CLELLAND
& WINER, P.C.

701 Market Street, Suite 1500

Chattanooga, TN 37402

By: [Signature]

N. Mark Kinsman

Georgia Bar No. 422250

Counsel for Defendant Frances A. Wingfield

d/b/a Wingfield Funeral Home

JENKINS & OLSON, P.C.

15 South Public Square

Cartersville, GA 30120

By: [Signature]

Frank E. Jenkins, III

Georgia Bar No. 390550

Liaison/Lead Counsel for the Marsh Family

*signed by [Signature]
Lead Counsel for
Fun. Home Defendants,
with express permission*

IN THE SUPERIOR COURT OF WHITFIELD COUNTY
STATE OF GEORGIA

KAREN PARTIN and ZOE TYSON,
on behalf of themselves and others
similarly situated,

Plaintiffs,

vs.

Civil Action No. 85,287-M

CREMATORY DEFENDANTS:

TRI-STATE CREMATORY,
RAY BRENT MARSH, CLARA MARSH,
RAY MARSH, SR. (Deceased),
RHAMES LASHEA MARSH,
individually and d/b/a TRI-STATE
CREMATORY, and TRI-STATE
CREMATORY, INC.

FUNERAL HOME DEFENDANTS and
FUNERAL HOME DIRECTORS:

ALVIS MILLER & SON FUNERAL
HOME, INC. and DIRECTOR-STEPHEN
MILLER; COCHRAN FUNERAL
HOMES, INC. and DIRECTOR-
STEPHEN COCHRAN; COLLINS
FUNERAL HOME, INC. and
DIRECTORS- HARTLEY GRAY,
HOWARD COOK, DENNIS REEVES,
JAMES SOUTHERLAND; FINCH
FUNERAL HOME and DIRECTOR-
TREVOR WILSON, MAX COCHRAN;
HAY-GANTT FUNERAL HOME, INC.
and DIRECTOR- HOWARD GRANT;
HELTON MORTUARY and DIRECTOR-
ERNEST SMITH; HENRY-COCHRAN
FUNERAL HOME and DIRECTORS-
MAX COCHRAN, STEPHEN COCHRAN;
JEFF EBERHART FUNERAL HOME,
INC. and DIRECTOR- JEFFREY
EBERHART; LOGAN FUNERAL HOME
and DIRECTOR- JERRY BRYAN
HENSLEY; LYNN'S FUNERAL HOME
and DIRECTOR- BILLY MACK
MONTGOMERY, DOUGLAS FAIN

SANDERS; MASON FUNERAL HOME, *
INC. and DIRECTOR- HENRY MASON; *
MAX RAY BRANNON, JAMES F. *
CARVER; PONDER'S FUNERAL HOME *
and DIRECTORS- STONEWALL *
PONDER'S, JERRY BRYAN HENSLEY; *
WINGFIELD FUNERAL HOME and *
DIRECTOR- FRANCES A. WINGFIELD; *
WRIGHT MEMORIAL MORTUARY, *
INC. and DIRECTOR- JOE WRIGHT, *
*
and others yet unnamed. *
*
Defendants. *

ORDER

This matter is before the Court on the Joint Motion to Transfer the Claims against Defendant Frances A. Wingfield d/b/a Wingfield Funeral Home to Pending Class Action. The federal class action at issues *In Re: Tri-State Crematory Litigation*, MDL Docket No. 1467, United States District Court for the Northern District of Georgia, Rome Division. According to the parties, this transfer will aid in settlement of Plaintiffs' claims asserted against this Defendant.

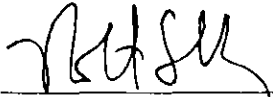
Pursuant to this motion, the Court grants the Joint Motion to Transfer Claims against Defendant Frances A. Wingfield d/b/a Wingfield Funeral Home to Pending Federal Class Action. Defendant Frances A. Wingfield d/b/a Wingfield Funeral Home is hereby dismissed from this case and any future pleadings. Specifically, the case style will reflect that Frances A. Wingfield d/b/a Wingfield Funeral Home is not longer a party to this action.

IT IS SO ORDERED this the _____ day of _____, 2004.

Honorably Cindy Morris, Judge
Conasauga Judicial Circuit

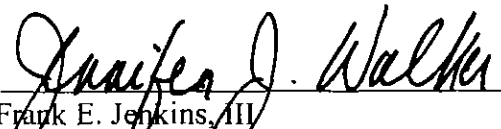
CONSENTED TO BY:

McCAMY, PHILLIPS, TUGGLE
& FORDHAM, LLP
P.O. Box 1105
Dalton, GA 30720-1105

By: 

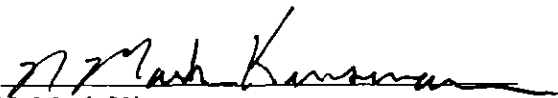
Robert H. Smalley, II
Georgia Bar No. 653405
Liaison Counsel For Plaintiffs

JENKINS & OLSON, P.C.
15 South Public Square
Cartersville, GA 30120

By: 
Frank E. Jenkins, III
Georgia Bar No. 390550
Liaison/Lead Counsel for the Marsh Family

*signed by Judge Davis,
Lead Counsel for Funeral
Home Defendants in
MOL action, with
express permission*

BAKER, KINSMAN, HOLLIS, CLELLAND
& WINER, P.C.
701 Market Street, Suite 1500
Chattanooga, TN 37402
(423) 756-3333

By: 

N. Mark Kinsman
Georgia Bar No. 422250
Counsel for Defendant Frances A. Wingfield
d/b/a Wingfield Funeral Home

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel in the above-captioned lawsuit a copy of the foregoing **Plaintiffs' Motion to Add Frances A. Wingfield d/b/a Wingfield Funeral Home as a Defendant** by depositing same in the United States Mail with proper postage affixed thereon and addressed to:

N. Mark Kinsman
Baker, Kinsman, Hollis, Clelland
& Winer, P.C.
701 Market Street, Suite 1500
Chattanooga, TN 37402

McCracken Poston, Jr.
Office of McCracken Poston
P.O. Box 1130
Ringgold, GA 30736

Frank E. Jenkins
Jenkins & Nelson, P.C.
15 Public Square
Cartersville, GA 30120

This the 13 day of April, 2004.

By: NM Kinsman